(11445 Pulaski Highway) 11th Election District 5th Councilmanic District

* OF BALTIMORE COUNTY * Case No. 91-249-A Jerry A. Thurston Petitioner

* * * * * * * * * *

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a front average setback of 51.5 feet in lieu of the minimum required 57.5 feet, to permit a side/rear setback of 3.1 feet in lieu of the required 30 feet, to permit 101 parking spaces in lieu of the required 164, to permit an existing sign of 220 sq.ft. in lieu of the maximum permitted 128 sq.ft., and to permit an existing double-faced sign of 274 sq.ft in lieu of the maximum permitted 100 sq.ft, all as more particularly described on Petitioner's Exhibit 1.

The Petitioner appeared, testified and was represented by Gerald C. Ruter, Esquire. Also appearing on behalf of the Petition was Stephen G. Annis, Architect. Raymond Holler appeared as an interested party. There were no Protestants.

Testimony indicated that the subject property, known as 11445 Pulaski Highway, consists of 67,456 sq.ft. zoned B.R. and is improved with a one story building known as the Brass Horse Restaurant. Petitioner is desirous of constructing an addition to the existing building as depicted on Petitioner's Exhibit 1. At the time of building permit application, Petitioner was advised that variances were required for both existing and proposed improvements. Petitioner subsequently filed the instant Petition. Testimony indicated Petitioner purchased the subject property approximately restaurant. Petitioner testified that as a result of growing business needs, he purchased the adjoining property, identified as Parcel B on Petitioner's Exhibit 1, with the intention of expanding his current operation. Initially, Petitioner considered using the building that existed at that time on Parcel B; however, testimony indicated Petitioner's architect determined that building was unsafe and impractical and would have to be removed. Petitioner testified the proposed addition is needed to expand existing kitchen facilities and storage space and provide an additional dining area. Currently, Petitioner has storage in trailers on the rear of the subject property. Testimony indicated the subject restaurant is open for lunch and dinner seven days a week and regularly serves approximately 60 to 70 patrons. Mr. Thurston indicated that although the property has a lounge and provides music via a disc jockey and/or sound system, 70 percent of his business is food. Petitioner argued the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding uses and will attractively be accomplished.

three years ago and has been in the process of improving the existing

As a result of comments submitted by the Office of Planning regarding parking matters raised at the hearing, Petitioner submitted a revised site plan incorporating Planning's suggestions and solidifying Petitioner's plans. Said site plan has been incorporated into the file and marked Petitioner's Exhibit A. As a result of incorporating Planning's suggestions and modifications to the addition, the parking variance needed has been sizeably reduced from that originally requested to 114 parking spaces in lieu of the required 150. At the hearing, Mr. Thurston testified that in his opinion, based on his experience from running the subject restaurant at the subject location for the past 3 years, there will be sufficient parking. Petitioner concluded the variances regarding the building setbacks and parking will not create any detriment to the health, safety and general welfaare of the community.

Testimony regarding the signage indicated that the variances

requested are for existing signage. The variance for the 220 sq.ft. sign is for the large wall sign on the face of the existing building fronting Route 40. which, in white lettering, reads "Brass Horse" overlayed on a gold horseshoe with green markings over deep red brick as depicted in photographs marked Petitioner's Exhibits 4A through 4E. The variance requested for the existing sign of 274 sq.ft. is for the freestanding sign depicted in Petitioner's Exhibits 4A through 4E. Testimony in support of the signage rested mainly on the fact that they are existing and are a matter of preference rather than necessity. While denying the variances will result in an inconvenience for the Petitioner, the inconvenience is self-created. If permits had been obtained prior to their installation, Petitioner would have known said signs were not permitted as of right. In the opinion of the Deputy Zoning Commissioner, to grant such signage would be contrary to the spirit and intent of the B.C.Z.R, which tries to balance the often opposing views of the owner of an establishment to attract business and the non-property owner who contends signs unnecessarily clutter and detract from the aesthetics of our roadways. To permit the requested signs to remain would be to permit additional clutter to a highway already overburdened with large signs. Signs in compliance with the zoning regulations are more than adequate to meet Petitioner's needs. Further, to permit the variances requested would promote and encourage Petitioner, sign companies, and others to put up signs without concern as to the limitations imposed by the zoning regulations and/or obtaining the requisite

Mr. Raymond Holler, who resides on the adjoining property to the rear of the subject site, did not testify but indicated he had no objections to Petitioner's request provided he maintains the subject property in good condition. The undisputed testimony and evidence as depicted in photographs marked Petitioner's Exhibits 2B through 2G indicates that the rear of the property has not been well-maintained. Petitioner has agreed to correct the situation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

After due consideration of the testimony and evidence presented, it appears the variances regarding the building setbacks and parking should be granted. The uncontradicted testimony indicates that such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and

general welfare. However, the relief requested for the existing signage is excessive and does not meet the requirements of Section 307. In the conditions. opinion of the Deputy Zoning Commissioner, the hardship upon Petitioner is self-created in this instance and could have been avoided. However, Petitioner shall be provided a period of time to replace said signs without

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested shall be granted in part and denied in part.

being found in violation.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of May, 1991 that the Petition for Zoning Variance to permit a front average setback of 51.5 feet in lieu of the minimum required 57.5 feet, a side/rear setback of 3.1 feet in lieu of the required 30 feet, and 114 parking spaces in lieu of the required 150, in accordance with Petitioner's Exhibit A, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> 2) Prior to the issuance of any occupancy permits for the proposed addition, Petitioner must remove any and all existing trailers or sheds from the subject property. Further, Petitioner is prohibited from having any such outside storage facilities on the property at any time.

> 3) Within thirty (30) days of the date of this Order, Petitioner shall submit a landscaping plan for the property which has been approved by the Director

or Deputy Director of Planning. Said landscaping shall be completed prior to the occupancy of the proposed addition unless an extension is granted by the Office of Planning due to weather and/or planting

4) Prior to the issuance of any permits, Petitioner shall submit the revised site plan to the Office of Planning, the Department of Traffic Engineering, and the State Highway Administration for approval. A copy of said site plan reflecting the aforementioned approval shall be forwarded to this office for inclusion in the case file.

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of

IT IS FURTHER OPDERED that the Petition for Zoning Variance to permit an existing sign of 220 sq.ft. in lieu of the maximum permitted 128 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED;

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit an existing double-faced sign of 274 sq.ft in lieu of the maximum permitted 100 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that Petitioner shall have one year from the date of this Order to replace the existing freestanding and wall signs with signs in compliance with the B.C.Z.R., subject to obtaining all requi-

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A MNO Lawice ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

May 22, 1991

111 West Chesapeake Avenue Towson, MD 21204

Gerald C. Ruter, Esquire

RE: PETITION FOR ZONING VARIANCE E/S Pulaski Highway, 16' SE of Allender Road (11445 Pulaski Highway) 11th Election District - 5th Councilmanic District Jerry A. Thurston - Petitioner Case No. 91-249-A

Dear Mr. Ruter:

604 E. Joppa Road

Towson, Maryland 21204

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in part and denied in part, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours, a MN colonia ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

887-3353

cc: Mr. Stephen G. Annis 720 S. Montford Avenue, Baltimore, Md. 21224

File

PETITION FOR ZONING VARÍANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Sections 238.1 and 303.2 To allow a front average setback of 51! 5"in lieu of required 57.5', 238.2 To Allow a side/rear setback of 3.1' in lieu of the required 30', 409.6.A.2. To allow 101 parking spaces for a restuarant in-lieu of the required 164. 413.2.a to allow an existing sign of 220 \blacksquare in lieu of the allowable 128 \clubsuit , 413.2.f To allow an existing double faced sign of 274 ψ in lieu of the allowable 100 ψ . of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To Be Determined at The Hearing.

Property is to be posted as	nd advertised as prescribed by Zoning Regulations
	and the state of t

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Pelition.

Contract Purchaser:	Legal Owner(s): JERRY A. THUNSTON
(Type or Print Name)	(Type or Print Name)
Signature	Signature
Address	(Type or Print Name)

______ City and State Attorney for Petitioner:

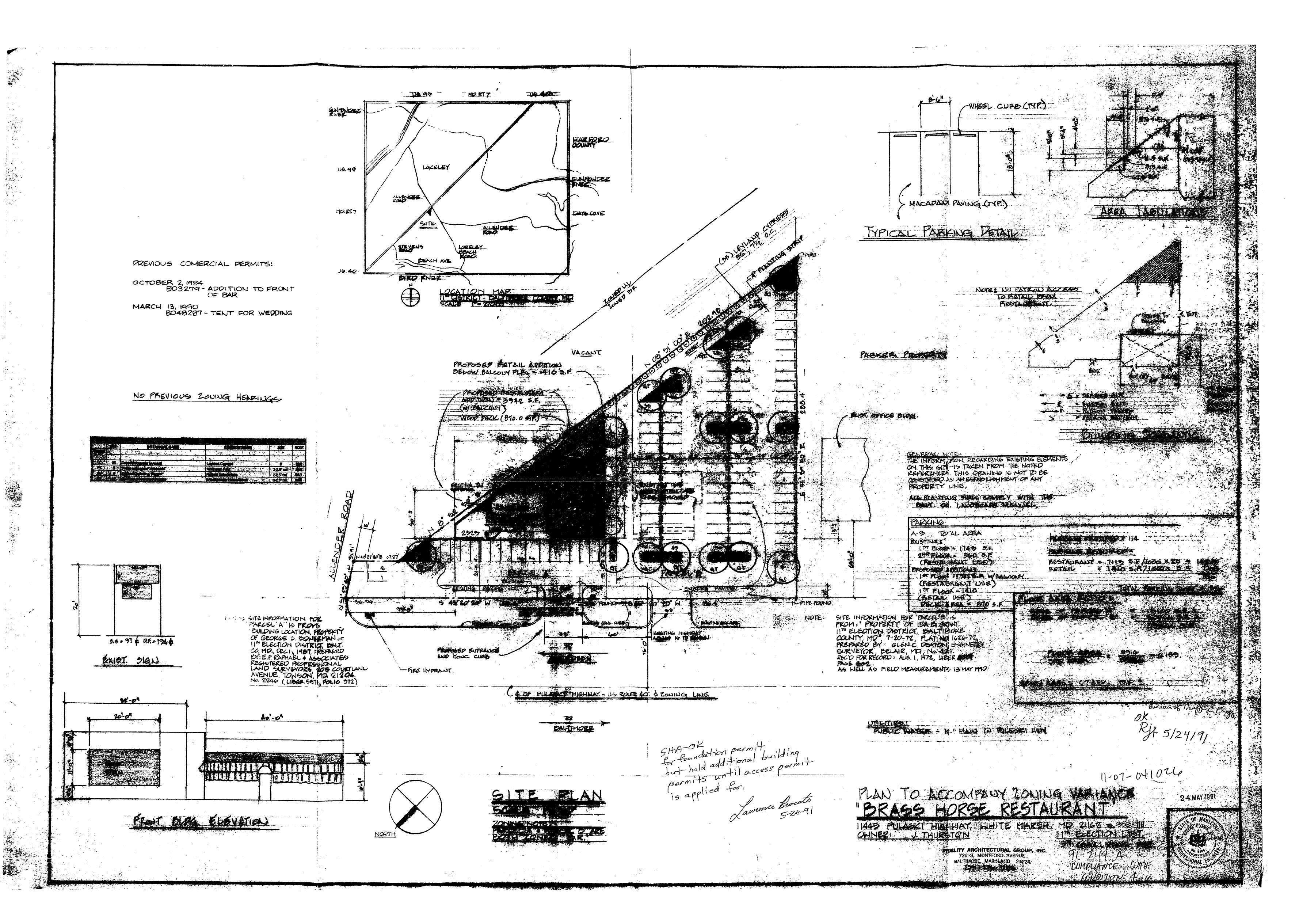
(Type or Print Name) Furson, And Did Dy City and State Name, address and phone number of legal owner, contract purchaser or representative to be contacted

ORDERED By The Zoning Commissioner of Baltimore County, this that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Coning Commissioner of Baltimore County. POIL/PERS./ TO. - DEED THE FUNDER TO A DA CALL REVISIED BY: CAM DOES TO B. GI (over)

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91-249-A 257



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ZONING DESCRIPTION

Beginning at a point on the east side of Pulaski Highway which is 150'-0" wide at the distance of 16'-0" southeast of the centerline of the nearest improved intersecting street, Allender Road, which is 30'-0" wide. Thence the following courses and distances:

N 31°43'40" W 31 91 FT., N43°27'30"E 37.27 FT., N8°32'30"E 225.0 FT., N8°31'00"E 202.98 FT., S44°39'40"E 288.4 FT., S45°20'20"W 186.4 FT., \$45°20'20"W 163.6 FT., and \$45°20'20"W 36.34 FT. to the beginning as recorded in Liber 5571, Folio 372.



887-3353

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Manyland 21204 Case number: 91-249-A E/S Pualaski Highway, 16" SE of c/l Allender Road 11445 Pulaski Highway 11th Election District 5th Councilmanic Petitioner(s): Jerry A. Thurston Hearing Date: Wednesday, March 27, 1991, at 2:00; p.m.

Variance: to allow a front average setback of 51 ft., 5 inches in lieu of required 57.5 ft; to allow a side/rear setback of 3.1 ft. in lieu of the required 30 ft.; to allow 101

parking spaces for a restaurant in in lieu of the required 164; to al-low an existing sign of 220 sq. ft. in lieu of the allowable 128 sq. ft.;

to allow an existing double-faced sign of 274 sq. ft. in lieu of the allowable 100 sq. ft.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 2.28, 19 9

THE JEFFERSONIAN,

NOTICE OF HEARING T The Zoning Commissioner of Ball Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Case number: 91-249-A E/S Pualaski Highway, 16" SE of c/I Allender Road 11445 Pulaski Highway 11th Election District

Variance: to allow a front average setback of 51 ft., 5 inches in lieu of required 57.5 ft; to allow a side/rear setback of 3.1 ft. In lieu of the required 30 ft.; to allow 101 parking spaces for a restaurant in in lieu of the required 164; to allow an existing sign of 220 sq. ft. in lieu of the allowable 128 sq. ft.; to allow an existing double-faced sign of 274 sq. ft. in lieu of the allowable 100 sq. ft.

J. ROBERT HAINES Zoning Commissioner of Baltimore County

2/2 2/244 Feb. 28.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of ____successive weeks, the first publication appearing

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

Zoning Commisioner County Office Building County Office Bulloting
111 West Chesapeake Avenue Towson, Maryland 21204

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Account: R-001-6150

887-3353

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9949148200#404#0 Please Make Checks Payable To: BaitImore County 03:397H12-20-90 NEXT BUSINESS DAY Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21264

CHICA PROBLEM OF COUNTRY OF FRIENDS FORE

Ballimore County

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04A04#0057HICHRC Please Make Checks Payable To: Baltimore County 008:49AM03-27-91

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

DATE: 3-12-91

Jerry A. Thurston Brass Horse Restaurant 11445 Pulaski Highway White Marsh, Maryland 21162

Case Number: 91-249-A E/S Pualaski Highway, 16" SE of c/l Allender Road 11445 Pulaski Highway IIth Election District - 5th Councilmanic Petitioner(s): Jerry A. Thurston HEARING: WEDNESDAY, MARCH 27, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that $\frac{104.60}{}$ is due for advertising and posting of the above

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. ROBERT HAINES ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

Gerald C. Ruter, Esq.

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Towson, MD 21204

111 West Chesapeake Avenue

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-249-A E/S Pualaski Highway, 16" SE of c/l Allender Road 11445 Pulaski Highway 11th Election District - 5th Councilmanic Petitioner(s): Jerry A. Thurston HEARING: WEDNESDAY, MARCH 27, 1991 at 2:00 p.m.

Variance to allow a front average setback of 51 ft., 5 inches in lieu of required 57.5 ft; to allow a side/rear setback of 3.1 ft. in lieu of the required 30 ft.; to allow 101 parking spaces for a restaurant in lieu of the required 164; to allow an existing sign of 220 sq. ft. in lieu of the allowable 128 sq. ft.; to allow an existing double-faced sign of 274 sq. ft. in lieu of the allowable 100 sq. ft.

J. Robert Horinea

J. ROBERT HAINES Zoning Commissioner of Baltimore County

cc: Jerry A. Thurston Gerald C. Ruter, Esq. Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

Cashier Validation

March 14, 1991

Gerlad C. Ruter, Esquire 604 E. Joppa Road Towson, MD 21204

> RE: Item No. 257, Case No. 91-249-A Petitioner: Jerry A. Thurston Petition for Zoning Variance

Dear Mr. Ruter:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> CAMES E. DYER Chairman

Enclosures

Zoning Plans Advisory Committee

Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

9th day of January, 1990.

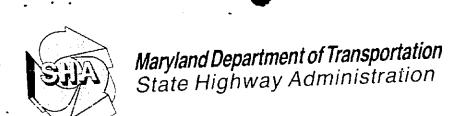
Your petition has been received and accepted for filing this

ZONING COMMISSIONER

Petitioner: Jerry A. Thurston Petitioner's Attorney: Gerald C. Ruter

Baltimore County Government

887-3353



O. James Lighthizer Secretary Hal Kassoff Administrator

January 14, 1991

Mr. J. Robert Haines Zoning Commissioner Baltimore County County Office Building Towson, Maryland 21204 Re: Baltimore County Brass Horse Restaurant Zoning Meeting of 1-8-91 S/S Pulaski Highway (Route 40-E) at Allender Road (Item #257)

Attn: Mr. James Dyer

Dear Mr. Haines: We have reviewed the submittal for a variance to allow a front average setback of 51 feet, 5 inches in lieu of the required 57 feet, 5 inches, and have the following comment.

The proposed entrance onto Pulaski Highway must be relocated as shown on the enclosed revised plan.

It is requested this revision be made prior to a hearing date being set. All work within State Highway Administration right-of-way must be performed under an access permit issued by our office prior to issuance of building permits.

If we can be of further assistance, please contact Larry Brocato of this office at (301) 333-1350.

John Contestabile, Chief Engineering Access Permits

enclosure

cc: Fidelity Architectural Group, Inc. (w-enclosure) Mr. J. Ogle (w-enclosure)

My telephone number is ______333-1350 (Fax #333-1041) Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

DATE: February 13, 1991

INTER-OFFICE CORRESPONDENCE

In reference to the applicant's request, staff offers the

In order to provide 12 additional parking spaces and

- The petitioner shall submit a landscape plan to the deputy

director of the Office of Planning and Zoning prior to the

landscaped area, staff submits the attached sketch plan.

signage is excessive and, therefore, recommends that this

- This office feels the variance request for 274 sq. ft. of

If there should be any further questions or if this office can

provide additional information, please contact Jeffrey Long in the

- This project requires a waiver or CRG approval.

issuance of any building permits.

part of the request be denied.

Office of Planning at 887-3211.

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director

SUBJECT: Jerry A. Thurston, Item No. 257

following comments:

PK/JL/cmm

ITEM257/ZAC1

Office of Planning and Zoning

PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner Office of Planning and Zoning County Office Building Towson, Maryland 21204

Zoning Item # 257, Zoning Advisory Committee Meeting of January 8, 1991

(Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval. () Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality

Management, 887-3775, to obtain requirements for such installation(s) before work begins. () A pennit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.

() A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.

() Prior to approval of a Ruilding Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.

Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information. contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315. () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations

For more complete information, contact the Division of Maternal and Child Health. () If lubrication work and oil changes are performed at this location, the method providing for the elimination

of waste oil must be in accordance with the State Department of the Environment. Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestces, 887-3775. () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandorment, owner must contact the Division of Waste Management at 887-3745.

() Soil percolation tests, have been ____, must be ____, conducted.

and Sewer to determine whether additional tests are required.

(). Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

() In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until
() is not acceptable and must be retested. This must be accomplished prior to conveyance of property

and approval of Building Pennit Applications. () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

() If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management

() In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

(V) Others Successful soil evaluations have been conducted on property. Prior to building permit approval by this office, an evaluation of the existing seunge disposal system will be required to determine if existing system is adequate to service proposed expanded facility.

____MANACEMENT___

Gerald C. Ruter ATTORNEY AT LAW

604 E. JOPPA ROAD BALTIMORE, MARYLAND 21204 (301) 321-9500 FAX. 296-5404 ALSO MEMBER OF D.C. BAR

April 12, 1991

Ann Nastoricz Deputy Zoning Commissioner 111 W. Chesapeake Avenue Room 119 Towson, MD 21204

Re: Case # 91-249-A Petition for Variance at 11445 Pulaski Highway White Marsh, MD 21162

Dear Commissioner Nastoricz:

On March 27, 1991, you heard the above-captioned petition for variances seeking five specific items of relief.

First a variance of six feet one inch on the front of the property from the required 57.5 feet of setback from Pulaski Highway is requested.

As you will recall, this is requested so that the proposed addition will create a straight line with the existing structure. The State Highway Administration through the letter of Mr. John Contestabile dated January 14, 1991, recommended an alteration to the existing entrance onto Pulaski Highway. Our enclosed site plan encompasses the requested relocation.

Second, a variance of 26 feet 11 inches is requested from the requested 30 feet setback on the side and rear of this property.

As you will recall, the sole owner of the contiguous property which is directly affected was present at the hearing and had no objection to this proposal and a letter bearing his signature is offered as an exhibit.

At the hearing, you voiced a concern about the appearance of the back of the property and this proposed variance will eliminate all of your concerns.

700 East Joppa Road Suite 901 Towson, MD 21204-5500

(301) 887-4500

JANUARY Jl, 1991

Baltimore County Government Fire Department

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JERRY A. THURSTON

#11445 PULASKI HIGHWAY Location:

Zoning Agenda: JANUARY 8, 1991 Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy. CHAPTER 8

REVIEWER: Cat Coth Kelly 1-11-91 Approved_ Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: January 14, 1991 FROM: Robert W. Bowling, P.E.

for January 8, 1991

Zoning Advisory Committee Meeting

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 244, 249, 250, 251, 252, 253, 256, 258 and 259.

For Items 231 revised (Ferring Flaza Shopping Center) and 247, the previous County Review Group comments are applicable.

For Items 254 and 255 and 257, County Review Group Meetings may be required.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s

91-249-A

1 - RENO. 21. AISLE WIDTHS ARE OK.

December 19, 1990

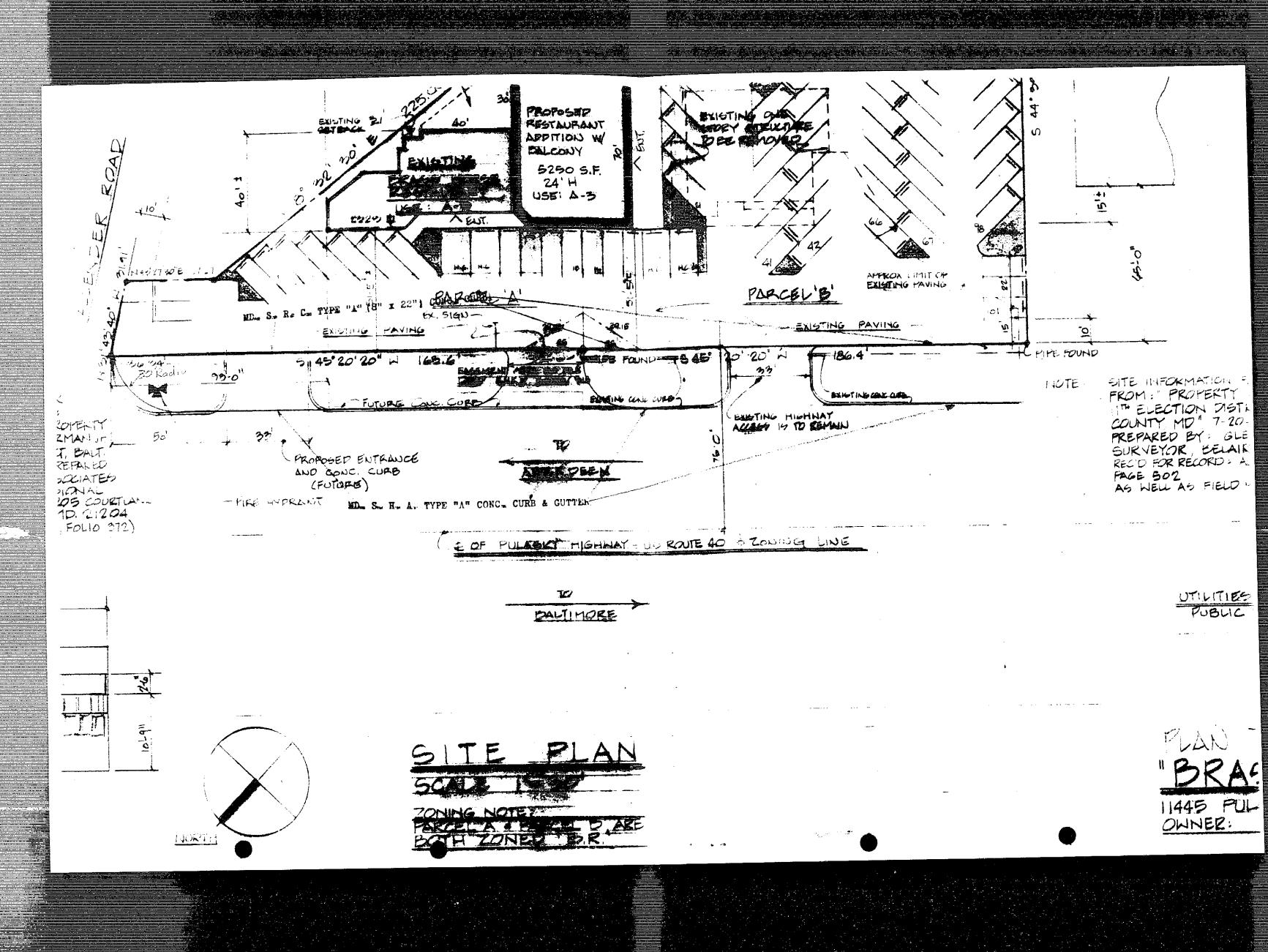
Baltimore County Office of Planning and Zoning Towson, Maryland 21204 Subject, Variance filing

This letter authorizes Stephen G. Annis of Fidelity Architectural Group, Inc. representing the Brass Horse Restaurant located at 11445 Pulaski Highway, to fill out and file all necessary paper work pertain to the Variance being applied for in Baltimore County, Maryland.

91-249-A

#257

received



604 E. JOPPA ROAD Gerald C. Ruter BALTIMORE, MARYLAND 21204 (301) 321-9500 ATTORNEY AT LAW FAX. 296-5404 AL5O PETITIONER(S) SIGN-IN SHEET MEMBER OF D.C. BAR 604 E. J 0884 TO GERALD - RUTER ESY March 26, 1991 touson, no didoy Mr. Raymond Holter 5907 Allander Road White Marsh, MD 21001 120 S. MONTFORD AVE. STEPHEN G. AUNIS

PLEASE PRINT CLEARLY

TERRY A. THURSTON

5707 14 11e-der Road

1AR-26-91 TUE 4:07

BALTO, MO. 21224 Re: 11445 Pulaski Highway 823 RAMDOLPH DR Dear Mr. Holter: As you are aware. I represent Mr. Jerry Thurston, who would like to expand the Brass Horse Restaurant which is contiguous to your property. ABroclass, MD. 21/62

A small portion of Mr. Thurston's proposed building would be only three feet from your property boundary if it is approved by the Baltimore County Zoning Commission. County regulations call for a set back from adjoining properties of 30 feet so Mr. Thurston is requesting a variance to be allowed to build.

We will be appearing before the Commission tomorrow at 2:00 p.m. requesting this variance.

Should you have no opposition to our requested variance, I would appreciate you counter-signing this letter so I could produce it at the hearing.

Should you have any questions, please call.

Geroes C. Ruter GERALD C. RUTER

I HAVE NO OPPOSITION TO THE REQUESTED VARIANCE

Laymond To Status
RAYMOND HOLTER

P.02

